IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2659 of 2005

Between:

T.Kodandapani, S/o.T.Munuswamy Chetty,
R/o.13/125, Gangamma Temple Street, Gudur, Nellore District.

..... PETITIONER

AND

The Municipal Commissioner, Gudur Municipality Gudur,
Nellore District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondent in demanding the lease amount for a period of 75 months i.e., from September, 1998 to December, 2004 without executing any lease deed and without handing over the possession of the allotted shop Room as arbitrary, unreasonable and accordingly set aside the impugned Demand Notice of the respondent in Rc.No.1071/99-A1, dated 31-12-2004 and consequently direct the respondent to allot the shop room as per the request of the petitioner and hand over the same.

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondent : MR.S.NAGESWARA REDDY(SC FOR MUNICIPALITY)

The Court at the stage of admission made the following :

ORDER

This writ petition is filed aggrieved by the alleged demand notice dated 31.12.2004 issued by the respondent-Corporation.

On a perusal of the said notice dated 31.12.2004, it is clear that it is only a show cause notice, under which the petitioner was called upon to explain as to why a sum of Rs.96,216/- should not be recovered from him towards the alleged arrears of lease amount. Hence the writ petition, at this stage, is premature and cannot be maintained. It is always open to the petitioner to submit necessary explanation to the said notice, in which event, the respondent will consider the same and pass appropriate orders, if not already passed.

With the above observation, the writ petition is disposed of. No costs.

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16.02.2005

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To

1 The Municipal Commissioner, Gudur Municipality Gudur,
Nellore District.

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